

Teresa S. Renaker – CA State Bar No. 187800  
 Claire Kennedy-Wilkins – CA State Bar No. 231897  
**LEWIS, FEINBERG, RENAHER & JACKSON, P.C.**  
 1330 Broadway, Suite 1800  
 Oakland, CA 94612  
 Telephone: (510) 839-6824  
 Facsimile: (510) 839-7839  
[ckwilkins@lewisfeinberg.com](mailto:ckwilkins@lewisfeinberg.com)  
[trenaker@lewisfeinberg.com](mailto:trenaker@lewisfeinberg.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Plaintiff,

VS.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA and CISCO SYSTEMS, INC.  
LONG-TERM DISABILITY PLAN,

WHEREAS, on May 4, 2006, the Court granted Plaintiff's motion for leave to conduct discovery going to her claims under ERISA §§ 502(a)(1)(B) and 502(a)(3), 29 U.S.C. §§ 1132(a)(1)(B), (a)(3), and

STIPULATION AND [PROPOSED] ORDER FOR DE NOVO REVIEW  
[Case No. 05-00275 JF (PVT)]

PARTIES, THROUGH THEIR RESPECTIVE COUNSEL, THAT:

1. Plaintiff's claim for benefits under ERISA § 502(a)(1)(B) shall be reviewed *de novo* by the Court.

2. The Court's order for *de novo* review based on this stipulation shall render the discovery requests previously served by Plaintiff in this matter moot, and Defendant shall have no obligation to respond to these discovery requests.

3. On *de novo* review, the parties will not conduct any discovery in this action, including but not limited to any discovery regarding the standard of review or the merits of Plaintiff's claims.

4. Notwithstanding the above, if the parties' stipulation regarding the application of *de novo* review is rejected by the Court, Plaintiff shall have 90 days from the date of such rejection to complete the discovery permitted in the Court's Order of May 4, 2006.

DATED: June 20, 2006

LEWIS, FEINBERG,  
RENAKER & JACKSON, P.C.

By: /s/ Teresa S. Renaker

Teresa S. Renaker  
Claire Kennedy-Wilkins  
Attorneys for Plaintiff

DATED: June 23, 2006

GREEN & HUMBERT

By: Horace Green

Horace Green  
Joanne Ryan

Attorneys for Defendants

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Dated: June 23, 2006

/s/ Teresa S. Renaker  
Teresa S. Renaker

**[PROPOSED] ORDER**

Good cause appearing, and as stipulated by the parties, the Court hereby orders that Plaintiff's claim for benefits in this case will be reviewed by the Court *de novo*. The limited discovery authorized by the Court in its Order of May 4, 2006, and any discovery requests served by Plaintiff, are rendered moot by the application of the *de novo* standard of review in this case. Plaintiff shall withdraw any discovery requests served in this action and Defendants shall have no obligation to respond. On *de novo* review, the parties shall not conduct any discovery in this action, including but not limited to any discovery regarding the standard of review or the merits of Plaintiff's claims.

**IT IS SO ORDERED.**

DATED: June 27, 2006

  
JEREMY FOEBEL  
United States District Judge